

Pierce County Superior Court Civil Case 11-2-15656-2**PURCHASE COPIES**

Case Title: DAVID S DIVIS VS. WASHINGTON STATE PATROL
Case Type: Tort - Other
Access: Public
Track Assignment: Complex
Jury Size:
Estimated Trial Length:
Dept Judge: **06 ROSANNE BUCKNER**
Resolution:
Completion:

Litigants

Name	Type	Status
DIVIS, DAVID S	Plaintiff	
Attorney for DIVIS, DAVID S <u>WARREN EVANS MARTIN</u>	Type Atty for Plaintiff/Petitioner	Bar Number 17235
WASHINGTON STATE PATROL	Defendant	
Attorneys for WASHINGTON STATE PATROL <u>EDWARD SYDNEY WINSKILL</u> <u>Marie Colleen Clarke</u>	Type Atty for Defendant Atty for Defendant	Bar Number 5406 36146
BATISTE, JOHN R	Defendant	
Attorneys for BATISTE, JOHN R <u>EDWARD SYDNEY WINSKILL</u> <u>Marie Colleen Clarke</u>	Type Atty for Defendant Atty for Defendant	Bar Number 5406 36146
HATTELL, GEORGE C	Defendant	
Attorneys for HATTELL, GEORGE C <u>EDWARD SYDNEY WINSKILL</u> <u>Marie Colleen Clarke</u>	Type Atty for Defendant Atty for Defendant	Bar Number 5406 36146

Filings | e-file document | download filings | E-Serve documents |

Filing Date	Filing	Access	Pages	Microfilm
11/14/2011	<u>ORDER SETTING ORIGINAL CASE SCHEDULE</u>	Public	1	
11/14/2011	<u>CASE INFORMATION COVER SHEET</u>	Public	1	
11/14/2011	FILING FEE RECEIVED \$230.00	Public		
11/14/2011	<u>SUMMONS</u>	Public	2	
11/14/2011	<u>COMPLAINT</u>	Public	8	
11/28/2011	<u>NOTICE OF APPEARANCE SPECIAL/LIMITED</u>	Public	2	
11/29/2011	<u>AFFIDAVIT/DECLARATION OF SERVICE</u>	Public	2	

**PURCHASE COPIES****Proceedings**

Date	Calendar	Outcome
Week Of 06/25/2012	DEPT 06 - JUDGE BUCKNER (Rm. 2-E) Unconfirmed	Status Conference
Week Of 04/22/2013	DEPT 06 - JUDGE BUCKNER (Rm. 2-E) Unconfirmed	Pretrial Conference

05/13/2013

DEPT 06 - JUDGE BUCKNER (Rm. 2-E)

Confirmed

9:00 Trial

Original Case Schedule Items

Event	Schedule Date
Confirmation of Joinder of Parties, Claims and Defenses	05/14/2012
Jury Demand	05/21/2012
Status Conference	06/25/2012
Plaintiff's/Petitioner's Disclosure of Primary Witnesses	08/06/2012
Defendant's/Respondent's Disclosure of Primary Witnesses	09/03/2012
Disclosure of Rebuttal Witnesses	12/17/2012
Deadline for Filing Motion to Adjust Trial Date	01/07/2013
Discovery Cutoff	02/25/2013
Exchange of Witness and Exhibit Lists and Documentary Exhibits	03/18/2013
Joint Statement of Evidence	04/01/2013
Deadline to file Certificate or Declaration re: Alternative Dispute Resolution	04/01/2013
Deadline for Hearing Dispositive Pretrial Motions	04/01/2013
Pretrial Conference	04/22/2013
Trial	05/13/2013

Judgments

Cause #	Status	Signed	Effective	Filed
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This calendar lists Confirmed and Unconfirmed Proceedings. Attorneys may **obtain access rights** to confirm/strike selected proceedings. Currently, any proceedings for the Commissioners' calendars can be stricken, but only Show Cause proceedings for the Commissioners' calendars can be confirmed.

Unconfirmed Proceedings will not be heard unless confirmed as required by **the Local Rules of the Superior Court for Pierce County**.

-
- Hearing and location information displayed in this calendar is subject to change without notice. Any changes to this information after the creation date and time may not display in current version.
 - Confidential cases and Juvenile Offender proceeding information is not displayed on this calendar. Confidential case types are: Adoption, Paternity, Involuntary Commitment, Dependency, and Truancy.
 - The names provided in this calendar cannot be associated with any particular individuals without individual case research.
 - Neither the court nor clerk makes any representation as to the accuracy and completeness of the data except for court purposes.

Created: Tuesday December 6, 2011 9:18AM

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RECEIVED
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

E-FILED
IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

November 14 2011 11:44 AM

2011 NOV 22 PM 12:59
Divis

ATTORNEY GENERAL'S OFFICE
PORTS DIVISION OLYMPIA

Plaintiff

WSP, John R. Batiste, George C. Hittell,
and Docs 1-10,
Defendants.

KEVIN STOCK
COUNTY CLERK

No. 11-2-15656-2

ORDER SETTING CASE SCHEDULE

Type of case: TTO
Estimated Trial (days):
Track Assignment: Complex
Assignment Department: 06
Docket Code: ORSCS

Confirmation of Service	12/26/2011
Confirmation of Joinder of Parties, Claims and Defenses	5/14/2012
Jury Demand	5/21/2012
Status Conference (Contact Court for Specific Date)	Week of 6/25/2012
Plaintiffs/Petitioner's Disclosure of Primary Witnesses	8/6/2012
Defendant's/Respondent's Disclosure of Primary Witnesses	9/3/2012
Disclosure of Rebuttal Witnesses	12/17/2012
Deadline for Filing Motion to Adjust Trial Date	1/7/2013
Discovery Cutoff	2/25/2013
Exchange of Witness and Exhibit Lists and Documentary Exhibits	3/18/2013
Joint Statement of Evidence	4/1/2013
Deadline to file Certificate or Declaration re: Alternative Dispute Resolution (PCLR 16 (c)(3))	4/1/2013
Deadline for Hearing Dispositive Pretrial Motions	4/1/2013
Pretrial Conference (Contact Court for Specific Date)	Week of 4/22/2013
Trial	5/13/2013 9:00

Unless otherwise instructed, ALL Attorneys/Parties shall report to the trial court at 9:00 AM on the date of trial.

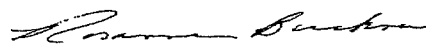
NOTICE TO PLAINTIFF/PETITIONER

If the case has been filed, the plaintiff shall serve a copy of the Case Schedule on the defendant(s) with the summons and complaint/petition: Provided that in those cases where service is by publication the plaintiff shall serve the Case Schedule within five (5) court days of service of the defendant's first response/appearance. If the case has not been filed, but an initial pleading is served, the Case Schedule shall be served within five (5) court days of filing. See PCLR 3.

NOTICE TO ALL PARTIES

All attorneys and parties shall make themselves familiar with the Pierce County Local Rules, particularly those relating to case scheduling. Compliance with the scheduling rules is mandatory and failure to comply shall result in sanctions appropriate to the violation. If a statement of arbitrability is filed, PCLR 3 does not apply while the case is in arbitration.

Dated: November 14, 2011



Judge ROSANNE BUCKNER
Department 06

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

CASE COVER SHEET / CIVIL CASES

Case Title Divis v. The Washington State Patrol, et al Case Number 11 2 15656 2
 Atty/Litigant Warren E. Martin Bar # 17235 Phone (253) 620-6500
 Address 1201 Pacific Avenue, Suite 2100
 City Tacoma State WA Zip 98402

Please check one category that best describes this case for indexing purposes.

If you cannot determine the appropriate category, please describe the cause of action below. This will create a Miscellaneous cause which is not subject to PCLR 3.

APPEAL / REVIEW

- ☐ Administrative Law Review (ALR 2) *REV 6*
☐ Civil, Non-Traffic (LCA 2) *REV 6*
☐ Civil, Traffic (LCI 2) *REV 6*
☐ Land Use Petition (LUP 2) LUPA

CONTRACT / COMMERCIAL

- ☐ Breach of Contract (COM 2) *STANDARD*
☐ Commercial Non-Contract (COM 2) *STANDARD*
☐ Commercial-Contract (COM 2) *STANDARD*
☐ Third Party Collection (COL 2) *REV 4*

JUDGMENT

- ☐ Judgment, Another County (ABJ 2) *Non PCLR*
☐ Abstract Only (ABJ 2) *Non PCLR*
☐ Transcript of Judgment (TRJ 2) *Non PCLR*
☐ Foreign Judgment Civil (FJU 2) *Non PCLR*
☐ Judgment, Another State (FJU 2) *Non PCLR*

TORT / MOTOR VEHICLE

- ☐ Death (TMV 2) *STANDARD*
☐ Non-Death Injuries (TMV 2) *STANDARD*
☐ Property Damage Only (TMV 2) *STANDARD*

TORT / NON MOTOR VEHICLE

- ☐ Other Malpractice (MAL 2) *COMPLEX*
☐ Personal Injury (PIN 2) *STANDARD*
☐ Property Damage (PRP 2) *STANDARD*
☐ Wrongful Death (WDE 2) *STANDARD*
☒ Other Tort (TTO 2) *COMPLEX*
☐ Products Liability (TTO 2) *COMPLEX*
☐ Asbestos (TTO 2) *COMPLEX*

PROPERTY RIGHTS

- ☐ Condemnation (CON 2) *STANDARD*
☐ Foreclosure (FOR 2) *REV 4*
☐ Property Fairness (PFA 2) *STANDARD*
☐ Quiet Title (QTI 2) *STANDARD*
☐ Unlawful Detainer / Eviction (UND 2) *REV 4*
☐ Unlawful Detainer / Contested (UND 2) *REV 4*

OTHER COMPLAINT OR PETITION

- ☐ Compel/Confirm Bind Arbitration (MSC2) *REV 4*
☐ Deposit of Surplus Funds (MSC 2) *REV 4*
☐ Interpleader (MSC 2) *REV 4*
☐ Subpoenas (MSC 2) *REV 4*
☐ Victims' Employment Leave (MSC 2) *REV 4*
☐ Wireless Number Disclosure (MSC 2) *REV 4*
☐ Injunction (INJ 2) *REV 4*
☐ Malicious Harassment (MHA 2) *Non PCLR*
☐ Minor Settlement/No Guardianship(MST2) *REV 4*
☐ Pet for Civil Commit/Sex Predator (PCC2) *REV 4*
☐ Property Damage Gangs (PRG 2) *REV 4*
☐ Seizure of Property/Comm. of Crime(SPC2) *REV 4*
☐ Seizure of Property Result from Crime(SCR2) *REV 4*

TORT / MEDICAL MALPRACTICE

- ☐ Hospital (MED 2) *COMPLEX*
☐ Medical Doctor (MED 2) *COMPLEX*
☐ Other Health Care Professional (MED2) *COMPLEX*

WRIT

- ☐ Habeas Corpus (WHC 2) *REV 4*
☐ Mandamus (WRM 2) *REV 4*
☐ Review (WRV 2) *REV 4*
☐ Miscellaneous Writ (WMW 2) *REV 4*

MISCELLANEOUS

10533096

1 Washington State
 2 Office of the Attorney General
 3 Acknowledged Receipt, this 22 day 31
 4 November, 2011, Time: 4:31
 5 [Signature]
 Assistant Attorney General

RECEIVED
 2011 NOV 22 PM 12:59
 FILED
 IN COUNTY CLERK'S OFFICE
 ATTORNEY GENERAL'S OFFICE
 TORTS DIVISION OLYMPIA
 A.M. NOV 14 2011 P.M.
 PIERCE COUNTY WASHINGTON
 KEVIN STOCK, County Clerk
 BY _____ DEPUTY

SUPERIOR COURT OF THE STATE OF WASHINGTON
 FOR PIERCE COUNTY

DAVID S. DIVIS

Plaintiff,

vs.

THE WASHINGTON STATE PATROL, JOHN R.
 BATISTE, GEORGE C. HATTELL, and JOHN
 DOES 1-10,

Defendants.

NO. 11 2 15656 2
 SUMMONS

TO THE DEFENDANT: A lawsuit has been started against you in the above-entitled court by David S. Divis, Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving a copy upon the person signing this Summons within 20 days after the service of this Summons within the State of Washington or 60 days if served outside of the State of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where Plaintiff is entitled to what it asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

GORDON THOMAS HONEYWELL LLP

By

Warren Muntz

Warren E. Martin, WSBA No. 17235
WMartin@gth-law.com
Attorneys for Plaintiff

10533096

1	Washington State
2	Office of the Attorney General
3	Acknowledged Receipt, this <u>22</u> day
4	<u>November</u> , 20 <u>11</u> , Time: <u>11:31</u>
5	<u>Pierce County</u> Washington.
6	<u>[Signature]</u>
7	Print Name: <u>Kevin Stock</u>
8	Assistant Attorney General

FILED
PIERCE COUNTY CLERK'S OFFICENOV 14 2011 P.M.
PIERCE COUNTY WASHINGTON
KEVIN STOCK, County Clerk
DEPUTY

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2011 NOV 22 PM 12:59

ATTORNEY GENERAL'S OFFICE
PORTS DIVISION OLYMPIASUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

DAVID S. DIVIS

Plaintiff,

vs.

THE WASHINGTON STATE PATROL, JOHN R.
BATISTE, GEORGE C. HATTELL, and JOHN
DOES 1-10,

Defendants.

NO. 11 2 15656 2

COMPLAINT

I. PARTIES, JURISDICTION AND VENUE

1.1 Plaintiff David S. Divis is a Sergeant employed by the Washington State Patrol and a resident of Pierce County.

1.2 Defendant John R. Batiste was at all times material to this Complaint the Chief of the Washington State Patrol.

1.3 Defendant George C. Hattell was at all times material to this case the Assistant Chief or the Commander of the Office of Professional Standards of the Washington State Patrol.

1.4 The defendants designated as John Doe 1-10 are, based on information and belief, legally responsible in some manner for the events and incidents described in this Complaint and caused or contributed to the damages and injuries alleged herein.

1 Plaintiff will seek leave of Court to amend this Complaint to substitute the true names
2 and job capacities for the defendants designated as John Doe.

3 1.5 The Washington State Patrol transacts business and maintains an office in
4 Pierce County, Washington. Some of the events alleged in the Complaint occurred in
5 Pierce County, Washington.
6

7 1.6 In September 2010, plaintiff filed a tort claim with the State of Washington,
8 docketed by as Matter DRM No. 22570213. More than 60 days has passed from the
9 filing of the tort claim to the filing of this Complaint.

10 II. FACTS

11 2.1 Plaintiff is a Sergeant with the Washington State Patrol. On or about
12 January 15, 2008, plaintiff was given notice of an Internal Incident Report ("IIR") in which
13 certain allegations were made. The Washington State Patrol purported to conduct an
14 investigation of those allegations.

15 2.2 During the course of the proceedings involving the IIR, disparaging remarks
16 were made regarding plaintiff's religion (Mormon) including a comment that plaintiff must
17 have discriminated against certain Troopers because his church does not allow blacks to
18 attend.
19

20 2.3 During the course of the investigation and thereafter, plaintiff was held to a
21 different standard and subjected to different treatment because of his race (Caucasian)
22 than the WSP applied to employees of other races (including African American
23 employees).

24 2.4 Following the purported investigation into the IIR, the WSP issued a Notice
25 of Disciplinary Charges against plaintiff.
26

1 2.5 Plaintiff exercised his rights under RCW 43.43 to contest these allegations
2 before a Trial Board. In the Trial Board proceeding, the vast majority of the allegations
3 from the purported investigation were dismissed.

4 2.6 Plaintiff has also filed several grievances under a Collective Bargaining
5 Agreement involving various actions taken by the Washington State Patrol.

6 2.7 During the course of the proceedings arising out of the IIR, plaintiff's
7 daughter was diagnosed with cancer. Plaintiff exercised his rights under RCW 49.12.270
8 to take leave in order to take care of his child with a health condition that required
9 treatment or supervision.

10 2.8 Within the last three years, the WSP and its agents, including defendants
11 Batiste, Hattell and the Doe defendants have taken the following adverse employment
12 actions against plaintiff:
13

14 (a) Plaintiff was transferred to Tacoma in violation of the collective bargaining
15 agreement. When so transferred, plaintiff was stripped of all sergeant
16 duties and was instead assigned clerical duties in the "archive room" which
17 was a garage located in Tacoma.

18 (b) Plaintiff sought to apply for a promotion and/or for a Lieutenant position as
19 was his right to do. Defendants first refused to allow plaintiff to apply and
20 when they relented, defendants' allowed plaintiff substantially less time to
21 prepare for the examination than the other candidates.

22 (c) Plaintiff's supervisor, Lt. Alexander, was ordered by defendants Batiste,
23 Hattell or John Doe to give plaintiff a lower performance evaluation than
24 was warranted or that Lt. Alexander would have provided without such
25
26

1 direction. Plaintiff's supervisor was threatened with disciplinary action if he
2 did not provide the lower and untruthful evaluation.

3 (d) Lt. Alexander was ordered by defendants Batiste, Hattell or John Doe to
4 give plaintiff a lower evaluation in connection with promotional
5 opportunities than was warranted or that Lt. Alexander would have
6 provided without such direction. Plaintiff's supervisor was threatened with
7 disciplinary action if he did not provide the lower and untruthful evaluation.
8

9 (e) Plaintiff was given an order that he was not allowed to wear a uniform to
10 the oral boards for the Lieutenant position. Plaintiff was the only applicant
11 given such an order.

12 (f) After defendants' learned that plaintiff's daughter was diagnosed with
13 cancer and after plaintiff exercised his statutory rights to leave,
14 defendants' demoted plaintiff without explanation and without cause.

15 (g) After this demotion, plaintiff's new assignment was to be in Enumclaw, the
16 geographic location closest to his home which also complied with the CBA.
17 Defendants then changed plaintiff's work assignment to north Seattle, the
18 most geographically distant location which complied with the CBA.
19 Defendants then ordered plaintiff's supervisor to call him regarding the
20 new work assignment while his daughter was in surgery.
21

22 (h) Plaintiff sought a Hardship transfer to a different work location that would
23 assist him in providing care for his daughter. Defendants denied such
24 request and refused to provide an explanation or reason for such denial.
25 Plaintiff believes that no similar hardship transfer request had ever been
26 denied.

(i) While plaintiff was assigned to work as a trooper, defendants took action designed to impede plaintiff's ability to safely perform his job, including interfering in the working relationship between plaintiff and his co-workers and/or superiors

(j) When the WSP was ordered to reinstate plaintiff to a sergeant position, defendants placed plaintiff on administrative leave and refused to consider plaintiff for vacant sergeant positions, including positions in Enumclaw and in Bellevue.

III. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF: RETALIATION IN VIOLATION OF RCW 49.12.

3.1 Plaintiff re-alleges and reincorporates paragraphs 1.1 through 2.8(j) herein.

3.2 Plaintiff exercised his right to use paid time off to care for his child with a health condition that requires treatment or supervision, a right provided by RCW 49.12.270.

3.3 Defendants took disciplinary action against plaintiff and/or otherwise discriminated against plaintiff because he exercised his rights provided under RCW 49.12.270 through 295.

3.4 Plaintiff suffered damages and injuries as a result.

SECOND CLAIM FOR RELIEF: 42 USC § 1983

3.5 Plaintiff re-alleges and reincorporates paragraphs 1.1 through 3.4 herein.

3.6 During the course of his employment, plaintiff engaged in speech on matters of public concern which is protected under the United States Constitution.

3.7 Defendants took adverse employment action against plaintiff in retaliation for his protected speech.

1 3.8 Defendants took adverse employment action based on plaintiff's race
2 and/or religion

3 3.9 Plaintiff suffered damages and injuries as a result of such action.

4 **THIRD CLAIM FOR RELIEF: RCW 49.60 (RACE, RELIGION, OPPOSITION)**

5 3.10 Plaintiff re-alleges and reincorporates paragraphs 1.1 through 3.8 herein.

6 3.11 Defendants held plaintiff to a different standard than was applied to other
7 similarly situated employees and such different standard was due to plaintiff's race
8 and/or religion. Additionally, a substantial factor in some or all of the adverse
9 employment actions described in paragraph 2.8 was plaintiff's race and/or religion.

10 3.12 During the course of the legal proceedings referred to herein, plaintiff
11 opposed the application of different standards to employees based on race or religion.
12 Plaintiff's protected opposition activity was a substantial factor in some or all of the
13 adverse employment actions listed in paragraph 2.8 of this Complaint.

14 3.13 Plaintiff suffered damages and injuries as a result of the discriminatory and
15 retaliatory conduct alleged herein.

16 **FOURTH CLAIM FOR RELIEF: OUTRAGE**

17 3.14 Plaintiff re-alleges and reincorporates paragraphs 1.1 through 3.12 herein.

18 3.15 Defendants, including the Doe defendants engaged in extreme and
19 outrageous conduct including, but not limited to, the unlawful adverse employment
20 actions listed in paragraph 2.8 of this Complaint. Specifically, defendants' conduct in
21 reassigning plaintiff to the most geographically distant location possible and refusing his
22 request for a hardship transfer, done with the intent or effect of impacting plaintiff's
23 ability to provide care and treatment for his daughter's serious medical condition were
24 extreme and outrageous.
25
26

1 3.16 As a result of such conduct, plaintiff has suffered severe emotional
2 distress.

3 3.17 Defendants, including the John Doe defendants, intentionally or recklessly
4 caused this severe emotional distress through the acts alleged herein.

5 **FIFTH CLAIM FOR RELIEF: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
6

7 3.18 Plaintiff re-alleges and reincorporates paragraphs 1.1 through 3.16 herein.

8 3.19 Defendants, including the Doe defendants engaged in negligent conduct
9 including, but not limited to, the unlawful adverse employment actions listed in paragraph
10 2.8 of this Complaint. Defendants' negligent conduct includes but is not limited to
11 reassigning plaintiff to the most geographically distant location possible and refusing his
12 request for a hardship transfer, and had the effect of impacting plaintiff's ability to
13 provide care and treatment for his daughter's serious medical condition.

14 3.20 As a result of such conduct, plaintiff has suffered severe emotional
15 distress.

16 3.21 Defendants, including the John Doe defendants, negligently caused this
17 emotional distress through the acts alleged herein.

18 **IV. PRAYER FOR RELIEF**
19

20 WHEREFORE, plaintiff prays for the following relief:

21 4.1 For an award of general damages, including emotional distress damages.

22 4.2 For an award of punitive damages as permitted by applicable law.

23 4.3 For an award of economic damages as permitted by applicable law.
24
25
26

1
2 4.4 For an award of attorney's fees and costs as permitted by applicable law.

3 4.5 For such other and further relief as the Court deems just and equitable.

4 Dated this 10 day of November, 2011.

5 GORDON THOMAS HONEYWELL LLP

6
7 By Warren E. Martin
8 Warren E. Martin, WSBA No. 17235
9 WMartin@gth-law.com
10 Attorneys for Plaintiff

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IN COUNTY CLERK'S OFFICE
A.M. NOV 23 2011 P.M.
PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT

DAVID S. DIVIS,

Plaintiff,

v.

THE WASHINGTON STATE
PATROL, JOHN R. BATISTE,
GEORGE C. HATTELL, and JOHN
DOES 1-10,

Defendants.

NO. 11-2-15656-2

SPECIAL NOTICE OF
APPEARANCE

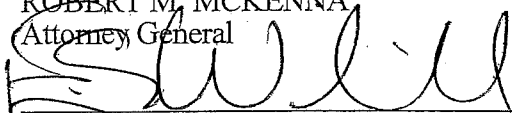
(Clerk's Action Requested)

TO: DAVID S. DIVIS, Plaintiff and WARREN MARTIN Plaintiff's Attorney

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the Defendants, Washington State Patrol, John R. Batiste and George C. Hattell, hereby enter their special appearance in the above-entitled action, specifically reserving all their rights, including those relating to jurisdiction because of lack of service of process and insufficiency of service thereof, and further request that all further papers, except original process, be served upon the undersigned attorneys at their below-stated address.

DATED this 22nd day of November, 2011.

ROBERT M. MCKENNA
Attorney General


MARIE C. CLARKE, WSBA No. 36146
EDWARDS. WINSKILL, WSBA No. 5406
Assistant Attorneys General

PROOF OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

Warren Martin
GORGON THOMAS HONEYWELL, LLP
1201 Pacific Avenue, Suite 2100
PO Box 1157
Tacoma, WA 98401-1157

☐ US Mail Postage Prepaid via Consolidated Mail Service


☒ ABC/Legal Messenger

☐ State Campus Delivery

☐ Hand delivered by _____

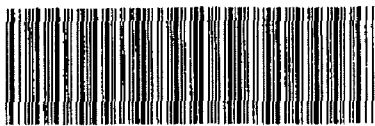
I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 23 day of November, 2011 at Tumwater, WA.



Melissa D. Kornmann, Legal Assistant

16558 11/30/2011 900202



11-2-15656-2 37573995 AFSR 11-30-11

FILED
IN COUNTY CLERK'S OFFICE
A.M. NOV 29 2011 P.M.
PIERCE COUNTY WASHINGTON
KEVIN STOCK, County Clerk
BY W DEPUTY

**SUPERIOR COURT, IN AND FOR THE COUNTY OF PIERCE, STATE OF
WASHINGTON**

DAVID S DIVIS

Plaintiff/Petitioner

Cause #: 11-2-15656-2

vs.

THE WASHINGTON STATE PATROL; ET AL.
Defendant/Respondent

Declaration of Service of:

SUMMONS; COMPLAINT; ORDER SETTING CASE
SCHEDULE; CASE COVER SHEET

Hearing Date:

Declaration:

The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the date and time of Nov 22 2011 12:35PM at the address of 7141 CLEANWATER DR SW TUMWATER, within the County of THURSTON, State of WASHINGTON, the declarant duly served the above described documents upon THE WASHINGTON STATE PATROL by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with EDWARD WINSKILL ASSISTANT ATTORNEY GENERAL.

No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: November 22, 2011 at Olympia, WA

by

S. Treiber PSR2009-0311-06

Service Fee Total: \$ 83.00



ABC Legal Services, Inc.
206 521-9000
Tracking #: 4919990



**ORIGINAL
PROOF OF SERVICE**

30217-00002
Gordon, Thomas (Tacoma)
1201 Pacific Ave, #2100
Tacoma, WA 98402
253 620-6500

16550 11/30/2011 900203

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2011 NOV 22 PM 12:29

A.M. NOV 14 2011 P.M.
PIERCE COUNTY WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTYATTORNEY GENERAL
STATE OF WASHINGTON
GSE/TUNY/ATSUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

DAVID S. DIVIS

Plaintiff,

vs.

THE WASHINGTON STATE PATROL, JOHN R.
BATISTE, GEORGE C. HATTELL, and JOHN
DOES 1-10,

Defendants.

NO.

11 2 15656 2

SUMMONS

TO THE DEFENDANT: A lawsuit has been started against you in the above-entitled court by David S. Divis, Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving a copy upon the person signing this Summons within 20 days after the service of this Summons within the State of Washington or 60 days if served outside of the State of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where Plaintiff is entitled to what it asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

SUMMONS - 1 of 2

()
[100029642.docx]LAW OFFICES
GORDON THOMAS HONEYWELL LLP
1201 PACIFIC AVENUE, SUITE 2100
POST OFFICE BOX 1157
TACOMA, WASHINGTON 98401-1157
(253) 620-6500 - FACSIMILE (253) 620-6565